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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,082	09/26/2003	Joachim Baumann	BAUMANN	4696
7590	03/15/2005		EXAMINER	
Henry M. Feiereisen Suite 4714 350 Fifth Avenue New York, NY 10118			LEE, DOUGLAS S	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,082

Applicant(s)

BAUMANN ET AL.

Examiner

Douglas S Lee

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritchard (US Pat. 4,449,196).

Regarding claims 1 and 13, Pritchard discloses a numerical controller for machine tools, robots or production machines, comprising: means for generating marker signals, in particular desired position values, for system components, in particular drives, according to an interpolation clock cycle (see fig. 1, element 1, col. 6, lines 40-68), a control axis providing reference values for reading a table according to the interpolation clock cycle, said reference values defining desired position values for synchronous successor axes (see fig. 5, element 68, col.10, lines 35-58, and cols. 11-12), wherein a function is stored in the table independent of the interpolation clock cycle, and wherein execution of the function is triggered as soon as the interpolation clock cycle has reached or exceeded a point in time of a reference value or has exceeded a following interpolation clock cycle (see cols. 9-12).

Regarding claim 2, Pritchard discloses a numerical controller for machine tools wherein the function is a hardware-implemented function (see cols.6-12, especially fig.1, col. 6, lines 33-55).

Regarding claim 3, Pritchard discloses a numerical controller for machine tools wherein the function is a software-implemented function (see col. 6, lines 40-68).

Regarding claim 4, Pritchard discloses a numerical controller for machine tools wherein the table is processed in segments by a mass memory through a FIFO memory located in a controller, wherein the FIFO memory receives data from the mass memory (see figs. 2 and 5, cols. 6-12).

Regarding claim 5, Pritchard discloses a numerical controller for machine tools wherein the table is integrated in sequential operations of ISO programs in such a way that the table is processed immediately at conclusion of a corresponding ISO program and that a following ISO program is started immediately at conclusion of an ongoing table processing (see cols. 6-12).

Regarding claim 6, Pritchard discloses a numerical controller for machine tools wherein at least one ISO program is integrated in sequential operations of at least one table in such a way that the at least one ISO program is an active program that is started immediately at conclusion of a corresponding table operation and that a following table operation is started immediately at conclusion of the at least one active ISO program (see cols. 6-12).

Regarding claims 7-12, these method claims are rejected for the same reasons applied above rejected apparatus claims 1-6.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Leo Picard*, can be reached on (571) 272-3749 or via e-mail addressed to *[leo.picard@uspto.gov]*. The fax number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[doug.lee@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Douglas Lee


3/11/2005



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**